

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(356) Program 1.1: Visa and Migration

Senator Trood asked:

The Australian reported on 15 January 2011 that, according to Sheik Taj Din al-Hilali, radicalism in the Australian Muslim community is on the rise and one reason for this was 'overseas preachers', over whom he said there was 'no control'.

A: How many foreign individuals who intended to preach to the Muslim community has the government permitted to visit Australia over the past two years?

B: What factors does the government take into account before allowing such individuals entry to Australia?

C: Has the government ever refused entry to any such applicants?

Answer:

A. The Department of Immigration and Citizenship is not able to generate reports on this basis.

B. Applicants must satisfy all criteria for the grant of a visa, as set out in Australian migration law. Foreign Muslim religious workers generally enter on a Short Stay Business (Subclass 456) visa for stays of up to three months or a Religious Worker (Subclass 428) visa for longer stays usually of up to two years. Short Stay Business visa applicants need to demonstrate a genuine intention to visit Australia temporarily for business purposes. Religious Worker visa applicants need to demonstrate that their religious work in Australia is predominately non-profit in nature and directly services their sponsoring institution's religious objectives.

Short Stay Business and Religious Worker visas also require, among other things, that applicants meet Australia's character requirements and Public Interest Criteria (PIC) 4003.

To meet character requirements under section 501 of the Migration Act 1958, a decision maker must be satisfied that a person is of good character before a visa can be granted. There is capacity, under the character requirement, to refuse a visa where a person is assessed as representing a significant risk that they may vilify or incite discord, or otherwise represent a danger to the Australian community.

In determining whether character requirements are met, decision-makers are guided by Ministerial Direction 41, which sets out the considerations that must be balanced

when deciding whether to refuse or cancel a person's visa on character grounds. A copy can be found on the department's website at www.immi.gov.au/media/fact-sheets/79-ministerial-direction-41.pdf

PIC 4003 requires that the applicant is determined by the Foreign Minister, not to be a person whose presence in Australia is, or would be, contrary to Australia's foreign policy interests.

C. The Department of Immigration and Citizenship is not able to generate reports on this basis.